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REMARKS

The present response is to the Office Action mailed in the above-referenced case on October 6, 2003. Claims 1-18 are pending for examination. The Examiner has objected to claims 16-18 due to informalities. Claims 1-6, 15-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Daswani et al. (U.S. Patent Application Publication Number 2002/0023108, U.S. filing date of September 9, 1999), hereinafter Daswani. Claims 7, 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani in view of Jacobs et al. (U.S. 5,611,048), hereinafter Jacobs. Claims 8, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani in view of Kraft et al. (U.S. 6,084,585), hereinafter Kraft.

Applicant has carefully studied the prior art references cited in applied by the Examiner in present case, and the Examiner's rejections and statements of the instant Office Action. Regarding the Examiner's claim objections, applicant herein amends the claims to correct the dependencies. Further the applicant has added a single claim 19 for examination.

As to the Examiner's merit rejections of applicant's claims, the Examiner has relied on the reference of Daswani, a US publication, for anticipating all of the limitations of applicant's independent claims 1 and 15, it has combined the references of Daswani and Jacobs for reading on applicant's independent claim 9.

In response to the merit rejections of applicant's claims, applicant herein respectfully requests from the Examiner that the reference of Daswani be withdrawn from consideration due to the fact that the subject matter of the Daswani invention, relied upon by the Examiner for rejecting the claimed

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invention, and the subject matter claimed in present patent application, were commonly owned at the time of the invention.

Section 35 U.S.C. 102(e)(1) states that "a person shall be entitled to a patent unless (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent...". The patent application of Daswani did not mature into a patent, but the disclosure was nevertheless published on February 21, 2002, and is relied upon by the Examiner in the present case under 102(e) as a primary reference for all of the merit rejections of applicant's claims.

The publication relied upon by the Examiner however, in addition to Daswani, also names Suman Jumar Inala, and Ramakrishna Satyavolu as coinventors. Applicant respectfully points out to the Examiner that the named coinventors of the Daswani publication are also named as coinventors of applicant's claimed invention, therefore, the claimed subject matter of applicant's invention is continuing data from the Daswani publication relied upon by the Examiner.

Applicant is therefore entitled to a patent in this case because the presently claimed invention was not described in an application for patent published under section 122(b) by another, it was described in a published application for patent by a common inventor, and so the subject matter of applicant's claimed invention, and that of the Daswani publication, fall under common ownership, with assignment to the same entity.

In the present response applicant provides a 131 affidavit from the common inventor Ramakrishna Satyavolu certifying common inventorship between applicant's claimed subject matter and that of the Daswani publication, and therefore respectfully requests that the primary reference of Daswani relied upon by the Examiner in this case be withdrawn from consideration.

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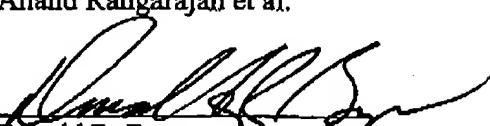
The Examiner has rejected claims 7, 9-12 and 14 as being unpatentable over Daswani in view of Jacobs, and has rejected claims 8, 13 and 17 as being unpatentable over Daswani in view of Kraft. Claim 9 is an independent claim, and claims 8, 13 and 17 are depending claims. Upon the Examiner's withdrawal of the primary reference of Daswani, accommodation of Daswani with Jacobs or Daswani with Kraft is now an invalid combination for rejecting applicant's claims.

In view of the above, applicant's independent claims 1, 9 and 15 are now patentable to applicant, as the publication of Daswani is an invalid primary reference for the reasons stated above. Depending claims 2-8, 10-14 and 16-18 are then patentable on their own merits, or at least as depended from a patentable claim..

It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Anand Rangarajan et al.

by _____


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